

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| ERIK BOBADILLA RODRIGUEZ,            | ) |                               |
|                                      | ) |                               |
| Petitioner,                          | ) | CASE NO. C05-2082RSM          |
|                                      | ) |                               |
| v.                                   | ) |                               |
|                                      | ) |                               |
| ALBERTO R. GONZALES, <i>et al.</i> , | ) | ORDER GRANTING PETITIONER'S   |
|                                      | ) | MOTION FOR ATTORNEY'S FEES    |
| Respondents                          | ) | UNDER 28 U.S.C. § 2412 (EAJA) |
|                                      | ) |                               |
| _____                                | ) |                               |

The Court, having reviewed petitioner's motion for attorney's fees, respondents' reply, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation.
- (2) The Court finds that petitioner is the prevailing party, that respondents' position was not substantially justified as defined by the Equal Access to Justice Act, 28 U.S. § 2412, and that there are no special circumstances that would make an award in this case unjust.
- (3) Petitioner's Motion for Attorney's Fees in the amount of \$32,876.70 (Dkt. #31) is GRANTED.

1 (4) The Clerk shall send a copy of this Order to all counsel of record,  
2 and to the Honorable Monica J. Benton.

3  
4 DATED this \_6\_ day of February, 2007.

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7 RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE